

NOTICE TO INDIVIDUAL CONSUMER DEBTOR

The purpose of this notice is to acquaint you with the four chapters of the federal Bankruptcy Code under which you may file a bankruptcy petition. The bankruptcy law is complicated and not easily described. Therefore, you should seek the advice of an attorney to learn of your rights and responsibilities under the law should you decide to file a petition with the court. Neither the judge nor the court's employees may provide you with legal advice.

Chapter 7: Liquidation (\$155 filing fee plus \$30 administrative fee plus \$15 trustee surcharge)*

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts.
2. Under Chapter 7 a trustee takes possession of all your property. You may claim certain of your property as exempt under governing law. The trustee then liquidates the property and uses the proceeds to pay your creditors according to priorities of the Bankruptcy Code.
3. The purpose of filing a Chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, your discharge may be denied by the court, and the purpose for which you filed the bankruptcy petition will be defeated.
4. Even if you receive a discharge, there are some debts that are not discharged under the law. Therefore, you may still be responsible for such debts as certain taxes and student loans, alimony and support payments, criminal restitution, and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs.
5. Under certain circumstances you may keep property that you have purchased subject to a valid security interest. Your attorney can explain the options that are available to you.

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$155 filing fee plus \$30 administrative fee)*

1. Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their debts but would like to pay them in installments over a period of time. You are only eligible for Chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
2. Under Chapter 13 you must file a plan with the court to repay your creditors all or part of the money that you owe them, using your future earnings. Usually the period allowed by the court to repay your debts is three years, but not more than five years. Your plan must be approved by the court before it can take effect.
3. Under Chapter 13, unlike Chapter 7, you may keep all your property, both exempt and non-exempt, as long as you continue to make payments under the plan.
4. After completion of payments under your plan, your debts are discharged except alimony and support payments, student loans, certain debts including criminal fines and restitution and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs, and long term secured obligations.

Chapter 11: Reorganization (\$800 filing fee plus \$30 administrative fee)*

Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision for an individual to file a Chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer (\$200 filing fee plus \$30 administrative fee)*

Chapter 12 is designed to permit family farmers to repay their debts over a period of time from future earnings and is in many ways similar to a Chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family owned farm.

* Fees are subject to change and should be confirmed before filing.

ACKNOWLEDGEMENT

I, the debtor, affirm that I have read this notice.

Case Number

July 7, 2003

Date

/s/ Timothy J. Phipps
Timothy J. Phipps

Debtor

/s/ Julie A. Phipps
Julie A. Phipps

Joint Debtor, if any

INSTRUCTIONS: If the debtor is an individual, a copy of this notice personally signed by the debtor must accompany any bankruptcy petition filed with the Clerk. If filed by joint debtors, the notice must be personally signed by each. Failure to comply may result in the petition not being accepted for filing.

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United States Bankruptcy Court
Eastern District of Virginia

IN RE:

Case No. _____

Phipps, Timothy J. & Phipps, Julie A.Chapter **13**

Debtor(s)

DECLARATION OF DIVISIONAL VENUE

The debtor's domicile, residence, principal place of business or principal assets were located for the greater part of the 180 days preceding the filing of the bankruptcy petition in the indicated city or county [check one box only]:

ALEXANDRIA DIV.

Cities:

- ☐ Alexandria-510
☐ Fairfax-600
☐ Falls Church-610
☐ Manassas-683
☐ Manassas Park-685

Counties:

- ☐ Arlington-013
☐ Fairfax-059
☐ Fauquier-061
☐ Loudoun-107
☐ Prince William-153
☐ Stafford-179

RICHMOND DIV.

Cities:

- ☐ Richmond(city)-760
☐ Colonial Heights-570
☐ Emporia-595
☐ Fredericksburg-630
☐ Hopewell-670
☐ Petersburg-730

Counties:

- ☐ Amelia-007
☐ Brunswick-025
☐ Caroline-033
☐ Charles City-036
☐ Chesterfield-041
☐ Dinwiddie-053
☐ Essex-057
☐ Goodchland-075
☐ Greenville-081
☐ Hanover-085
☐ Henrico-087
☐ King and Queen-097
☐ King George-099
☐ King William-101
☐ Lancaster-103
☐ Lunenburg-111
☐ Mecklenburg-117
☐ Middlesex-119
☐ New Kent-127
☐ Northumberland-133
☐ Nottoway-135
☐ Powhatan-145
☐ Prince Edward-147
☐ Prince George-149
☐ Richmond(county)-159
☐ Spotsylvania-177
☐ Surry-181
☐ Sussex-183
☐ Westmoreland-193

NORFOLK DIV.

Cities:

- ☐ Norfolk-710
☐ Cape Charles-535
☐ Chesapeake-550
☐ Franklin-620
☐ Portsmouth-740
☐ Suffolk-800
☒ Virginia Beach-810

Counties:

- ☐ Accomack-001
☐ Isle of Wight-093
☐ Northampton-131
☐ Southampton-175

NEWPORT NEWS DIV.

Cities:

- ☐ Newport News-700
☐ Hampton-650
☐ Poquoson-735
☐ Williamsburg-830

Counties:

- ☐ Gloucester-073
☐ James City-095
☐ Mathews-115
☐ York-199

Date: **July 7, 2003****/s/ Neil K. Winchester**

Signature of Attorney or Pro Se Debtor

 Signature of Joint Debtor (if case is a joint case and debtors are not represented by an attorney)

- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this Division.

FORM B1		United States Bankruptcy Court		Voluntary Petition	
Eastern District of Virginia					
Name of Debtor (if individual, enter Last, First, Middle): Phipps, Timothy J.		Name of Joint Debtor (Spouse) (Last, First, Middle): Phipps, Julie A.			
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):		All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):			
Soc. Sec./Tax I.D. No. (if more than one, state all): 225-74-7024		Soc. Sec./Tax I.D. No. (if more than one, state all): 227-78-8230			
Street Address of Debtor (No. & Street, City, State & Zip Code): 4204 Ewell Road Virginia Beach, VA 23455		Street Address of Joint Debtor (No. & Street, City, State & Zip Code): 4204 Ewell Road Virginia Beach, VA 23455			
County of Residence or of the Principal Place of Business: Virginia Beach City		County of Residence or of the Principal Place of Business: Virginia Beach City			
Mailing Address of Debtor (if different from street address): SAME		Mailing Address of Joint Debtor (if different from street address): SAME			
Location of Principal Assets of Business Debtor (if different from street address above):					
Information Regarding the Debtor (Check the Applicable Boxes)					
Venue (Check any applicable box) <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.					
Type of Debtor (Check all boxes that apply) <input checked="" type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad <input type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker <input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Other _____ <input type="checkbox"/> Clearing Bank			Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check on box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input checked="" type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding		
Nature of Debts (Check one box) <input checked="" type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business			Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.		
Chapter 11 Small Business (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)					
Statistical/Administrative Information (Estimates only) <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.					THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors 1-15 16-49 50-99 100-199 200-999 1000-over <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
Estimated Assets \$0 to \$50,000 \$50,001 to \$100,000 \$100,001 to \$500,000 \$500,001 to \$1 million \$1,000,001 to \$10 million \$10,000,001 to \$50 million \$50,000,001 to \$100 million More than \$100 million <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
Estimated Debts \$0 to \$50,000 \$50,001 to \$100,000 \$100,001 to \$500,000 \$500,001 to \$1 million \$1,000,001 to \$10 million \$10,000,001 to \$50 million \$50,000,001 to \$100 million More than \$100 million <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					

Voluntary Petition (This page must be completed and filed in every case)		Name of Debtor(s): Phipps, Timothy J. & Phipps, Julie A.	
Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)			
Location Where Filed: None		Case Number:	Date Filed:
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)			
Name of Debtor: None		Case Number:	Date Filed:
District:		Relationship:	Judge:
Signatures			
Signature(s) of Debtor(s) (Individual/Joint) I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under Chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.		Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11) <input type="checkbox"/> Exhibit A is attached and made a part of this petition.	
X <u>/s/ Timothy J. Phipps</u> Signature of Debtor Timothy J. Phipps		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.	
X <u>/s/ Julie A. Phipps</u> Signature of Joint Debtor Julie A. Phipps		X <u>/s/ Neil K. Winchester</u> 7/07/03 Signature of Attorney for Debtor(s) Date	
Telephone Number (If not represented by attorney) July 7, 2003 Date		Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? <input type="checkbox"/> Yes, and Exhibit C is attached and made a part of this petition. <input checked="" type="checkbox"/> No	
Signature of Attorney X <u>/s/ Neil K. Winchester</u> Signature of Attorney for Debtor(s) Neil K. Winchester 26364 Printed Name of Attorney for Debtor(s) Alexander P. Smith And Associates. P.C. 223 E. City Hall Firm Name P. O. Box 3368 Address Norfolk, VA 23514 (757) 622-1621 Telephone Number July 7, 2003 Date		Signature of Non-Attorney Petition Preparer I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document. Printed Name of Bankruptcy Petition Preparer Social Security Number Address Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document: If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person. X _____ Signature of Bankruptcy Petition Preparer _____ Date A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.	